

**TOWN OF CHESTER  
PLANNING BOARD MINUTES  
May 21, 2014**

**Minutes of the May 21, 2014 Planning Board Meeting**

Members present: Don Serotta, Chairman, Frank Gilbert, Robert Conklin, Carl D'Antonio,  
Stephen Denes, Barry Sloan

Also present: David Donovan, Attorney  
Alfred Fusco, Engineer

The meeting was called to order at 7:00 p.m.

Stephen Denes arrived at 7:05 p.m.

Barry Sloan arrived at 7:15 p.m.

A motion was made by Carl D'Antonio and seconded by Frank Gilbert to adopt the minutes from the April 2, 2014 meeting. The motion passed with a 4-0 vote.

Chairman Serotta stated that Hills of Chester subdivision is requesting a 90-day extension for final approval. A motion was made by Frank Gilbert and seconded by Carl D'Antonio to grant the extension. The motion passed with 5-0 vote.

Chairman Serotta stated that Warwick Ridge subdivision is requesting a 90-day extension for final approval. A motion was made by Carl D'Antonio and seconded by Frank Gilbert to grant the 90-day extension. The motion passed with a 5-0 vote.

Chairman Serotta stated that Ashford Estates subdivision is requesting a 6-month extension for preliminary approval. A motion was made by Bob Conklin and seconded by Frank Gilbert to grant the extension. The motion passed with a 5-0 vote.

**ORANGE AND ROCKLAND UTILITIES** – Erik Denenga, project manager for Orange and Rockland Utilities, appeared before the Board to present the details of constructing a new substation located on Sugar Loaf Mountain Road. He stated that this project is part of a larger project which includes new transmission lines that will extend from the Ramapo substation in Rockland County, come through Sugar Loaf Mountain Road and continue up to Rock Tavern. That project has previously been approved in 1972 through the Article VII process. The Public Service Commission (PSC) has required that an updated Environmental Management and Construction Plan (EMCP) be submitted for their review. Article VII is in place to streamline this type of project so a utility does not have to go through an agonizing ten year process as it goes through multiple municipalities. It centralizes the review of the PSC; it gives you one form to collect all the public comments and looks out for the public needs. The PSC has set a timeline for the completion of this project by June 1, 2016. The EMCP was submitted to the Town of Chester back on December 31, 2013, which started the public comment period for the project and was extended through March 3, 2014. Erik Denenga stated that we are now beyond that comment period but O&R wants to make sure that the public and the Planning Board is getting all their concerns heard.

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The need for the project is generated by the potential closing of the Indian Point Power Plant. It has been determined by the public service commission that this project is needed to supplement that power source.

Orange and Rockland submitted the following letter:

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April 9, 2014

VIA E-MAIL AND FEDEX

David Donovan, Esq.  
Dickover, Donnelly & Donovan LLP  
28 Bruen Place  
Goshen, New York 10924

Re: Case 13-T-0586 – Petition of Consolidated Edison Company of New York, Inc.  
for Approval of Environmental Management and Construction  
Plan for Sugarloaf to Rock Tavern Segment of the Second  
Ramapo to Rock Tavern 345 kV Transmission Line (Feeder  
76) (Formerly Cases 25845 and 25741)

Dear Mr. Donovan:

Per your request, we are providing the Town of Chester with another copy of the Environmental Management & Construction Plan (“EM&CP”) of Consolidated Edison Company of New York, Inc. (“Con Edison”), dated December 31, 2013, for the above referenced project.

This project received a certificate pursuant to Article VII of the Public Service Law in 1972. We are currently in the process of seeking approval of the Public Service Commission for our updated EM&CP.<sup>1</sup> The project consists of the completion of a second 345 kV transmission line that would extend from the Ramapo Substation to the Rock Tavern Substation and use existing right-of-way and existing transmission towers. The EM&CP is focused on the Sugarloaf to Rock Tavern segment of the line.<sup>2</sup> The project includes the installation of a 345/138 kV step-down transformer and associated facilities at the Sugarloaf Substation in the Town of Chester. Subject to approval of the EM&CP, the Commission expects the facility to be in-service by June 2016.

In accordance with Section 130 of the Public Service Law, once an Article VII certificate has been issued, no state agency, municipality or any agency thereof may require any approval,

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<sup>1</sup> The deadline for comments on the EM&CP was March 3, 2014. We will, of course, as we have done already, continue to work with the Town of Chester to ensure that, to the extent possible, we respond to any concerns the Town may have.

<sup>2</sup> The EM&CP can also be found on the Public Service Commission’s website at <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=13-T-0586&submit=Search+by+Case+Number>

consent, permit, certificate or other condition for the construction or operation of a certificated facility. While an Article VII Certificate holder does not need to follow the procedural requirements of any town or municipality, such as obtaining permits, it is required to comply with all substantive local rules and regulations, unless it receives a waiver or exemption of those rules. Thus, Con Edison intends to comply with all relevant Town of Chester rules. We have included in the EM&CP a list the specific applicable local rules and regulations, including the relevant Town of Chester rules at Section 3.1.2.7 of the EM&CP.

Please contact me if you have any questions regarding this matter. Thank you.

Very truly yours,

  
Shira R. Rosenblatt

Dave Donovan stated that he will review with the Board section 130 the public service law and review those requirements and make sure this does fall within the perimeters of section 130.  
Dave Donovan read Section 130:

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**Public Service**

§ 130. Powers of municipalities and state agencies. Notwithstanding any other provision of law, no state agency, municipality or any agency thereof may require any approval, consent, permit, certificate or other condition for the construction or operation of a major facility with respect to which an application for a certificate hereunder has been issued, other than those provided by otherwise applicable state law for the protection of employees engaged in the construction and operation of such facility, and provided that in the case of a municipality or an agency thereof, such municipality has received notice of the filing of the application therefor.

Neither the Tug Hill commission nor the Adirondack park agency shall hold public hearings for a major utility transmission facility with respect to which an application hereunder has been filed, provided that such commission or agency has received notice of the filing of such application.

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Dave Donovan asked Erik Denega what actually constitutes the certificate discussed in the April 9, 2014 letter from Con Edison. Do you get something called a certificate because we should probably have a copy of that certificate for our files? Erik Denega said he will supply a copy. Dave Donovan said he is unclear as to whether or not the notice of the filing of the application is the application for the certificate or the EMCP. John Coffey from O&R said he feels it would be both and we can supply you with both. Dave Donovan said I think it is clear under section 130 that we have no approval authority if those two conditions are met. I just want to make sure the Town of Chester is satisfied that you have met those conditions.

Dave Donovan said I'm not sure I understood entirely the difference between Article VII proceeding relative to this application compared to another application I handled on Harley Road in the Town of Goshen. O&R received site plan approval from the Town of Goshen. John Coffey said they are unrelated. Dave Donovan said if you could explain why that process is different from what you are doing now. Why was planning board approval required for the Goshen project, but not for this project? John Coffey stated that the Harley Road substation was not part of Article VII. It was a typical site plan application for an individual transmission facility. Dave Donovan said what makes an Article VII application different. John Coffey said for any transmission facility over 100 KV and spanning over a mile requires Article VII approvals. John Coffey said back in 1972, this transmission line was designed to go from Ramapo to Rock Tavern, which fell under a requirement for Article VII. In 1972, a key feature was that only one set of arms were hung on the line and that a second set of arms were approved for a future line to be hung there. What has happened here is that we were putting our new conductors on the line and we have a lease agreement with Con Edison so that the new conductors being placed on the spare set of arms were going to serve the existing Sugar Loaf Substation at 138 Kilo Volt (KV). After the issue with the nuclear facility in Tokyo and a review of the nuclear plants, the retirement of Indian Point came up. We needed to look at our transmission assets as see what is the best way to solve that issue. The urgency came up because of the Indian Point review because we thought our original substation project would stand for 20 years and we would get the new source of 138 KV electric coming into the Sugar Loaf Mtn. Road substation. The new project trumped everything and this run from Ramapo to Rock Tavern is now required by the state to substantially increase the voltage on this line. In order for O&R to continue to operate the existing substation and to be made whole the second substation with step down transformers are now required. All of the installation of what we call line 76 and the new substation that is required fall under the umbrella of that original 1972 article VII agreement.

Dave Donovan stated he reviewed courts cases that made clear that if Article VII approvals have been given, that municipalities have no jurisdiction over the application.

Erik Denega submitted the following letter:

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May 16, 2014

VIA E-MAIL AND FEDEX

Don Serotta

Chairman, Town of Chester Planning Board

1786 Kings Highway

Chester, NY 10918

Re: Second Ramapo to Rock Tavern 345 kV Transmission Line (Feeder 76) Project  
Sugarloaf to Rock Tavern Segment

Dear Mr. Serotta:

I write in response to your inquiries regarding the above-referenced project. As you know, this project consists of the completion of a second 345 kV transmission line that would extend from the Ramapo Substation to the Rock Tavern Substation and use an existing right-of-way and existing transmission towers. The project includes the installation of a 345/138 kV step-down transformer and associated facilities at the Sugarloaf Substation in the Town of Chester. This project received a certificate pursuant to Article VII of the Public Service Law in 1972. The Public Service Commission is now reviewing the updated Environmental Management & Construction Plan ("EM&CP") of Consolidated Edison Company of New York, Inc. ("Con Edison"), dated December 31, 2013, for the above referenced project. The EM&CP is focused on the Sugarloaf to Rock Tavern segment of the line.<sup>1</sup>

In advance of our May 21, 2014 informational meeting with the Planning Board regarding the project, you have asked us for the following:

1. A Google aerial map with the new Sugarloaf Substation site plan superimposed upon it.
  - Response: A Google aerial map with the new Sugarloaf Substation site plan superimposed upon it is attached.
2. Any information we currently have related to site lighting for the Sugarloaf Substation.
  - Response: As per our design guidelines we will follow the recommended lighting level ranges established by the Illuminating Engineering Society of North America (IESNA), American National Standards Institute (ANSI), and National Electric Safety Code (NESC). For example, for outdoor substation areas, all lighting fixtures, whether pole mounted or not, shall be spaced such that the resulting lighting levels are in accordance with the recommended levels and that light spill in areas adjoining Company property is minimized. Lighting shall be provided in the yard areas at all disconnect switches, ground switches, circuit interrupters, circuit switchers, transformer vaults etc., where operating

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<sup>1</sup> We have previously provided you with a copy of the EM&CP.

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mechanisms are present. Lights are normally off with the exception of emergency situations.

3. Noise study information

- Response: Con Edison has completed an ambient noise survey for the proposed Sugarloaf Substation area and is in the process of performing noise modelling for the planned 345/138 kV step-down transformer and associated facilities at the Sugarloaf Substation. We will provide you with the results of the study once we receive them. Noise mitigation measures will be installed if required. A procedure has also been established by which noise complaints during construction can be communicated to CECONY/ORU and dealt with.

4. EMF information

- Response: As stated in Section 3.7 of the EM&CP, Con Edison has completed an EMF (magnetic and electric field) calculation for the proposed Feeder 76. The results of the magnetic and electric field calculations as it relates to the Town of Chester are as follows:
  - Magnetic Fields - There are no spans where the magnetic field at the edge of the existing transmission right of way (ROW) exceeds the PSC 200 mG standard.
  - Electric Fields - There is only one span (S111-S112) located in the Town of Chester where the electric field slightly exceeds the PSC 1.6 kV/m standard. This span is located approximately 2 miles north of the proposed Sugarloaf Substation and is not near any residence (it is surrounded by forests). The electric field for span S111-S112 is 1.62KV/m and is reduced by distance; for this span the electric field is less than the 1.6 kV/m standard within 4 feet of the ROW.

5. Verification of disturbance of the Sugarloaf Substation area for stormwater purposes.

- Response: Soil disturbance associated with the construction of the Sugarloaf Substation and ancillary features will exceed an acre. As such, a stormwater (management) pollution prevention plan (SWPPP) has been developed and incorporated into the project EM&CP. The EM&CP identifies temporary controls that will be installed prior to construction and maintained until construction has been completed. The project team is still in the process of finalizing the post-stormwater management controls. However, the attached grading plan identifies three possible areas that may be utilized as post-stormwater management infiltration areas. All post-stormwater management infiltration areas will be designed to properly manage the required water quality volume.

All stormwater management controls will be designed in accordance with the NY State Stormwater Management Design Manual.

As noted in our previous correspondence to Mr. David Donovan regarding this project (which we attach for your convenience), although Article VII preempts local permitting, Con Edison intends to comply with all relevant Town of Chester rules. We have included in the EM&CP a list the specific applicable local rules and regulations, including the relevant Town of



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Chester rules at Section 3.1.2.7 of the EM&C. Please contact me if you have any further questions regarding this matter. Thank you.

Respectfully submitted,

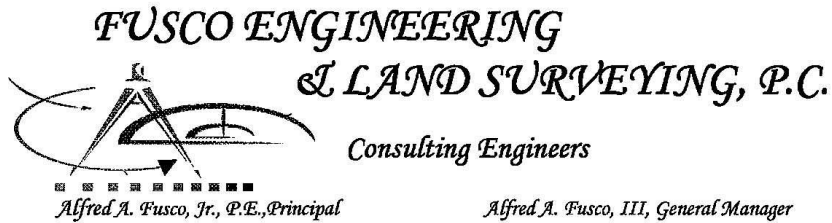
*Erik Denega*

Erik A. Denega, PE, PMP  
Project Manager  
Orange & Rockland  
845-577-3722-office  
845-545-5516-cell

The letter was reviewed by Erik Denega and Jim Shannon, project manager for Con Edison.

Al Fusco submitted the following letter:

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- 233 East Main Street  
Middletown, NY 10940  
Phone: (845) 344-5863  
Fax: (845) 956-5865
- 19 Waywayup Lane  
Port Jervis, NY 12771  
Phone: (845) 956-5866

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May 16, 2014

Don Serotta, Chairman  
Town of Chester Planning Board  
1786 Kings Highway  
Chester, NY, 10918

Re: Orange & Rockland Sugarloaf Substation  
Sugarloaf Mountain Road

Dear Mr. Serotta and Planning Board Members,

We have reviewed the file offer the following:

Project: Orange & Rockland Sugarloaf 345kV Substation  
Zone: AR-.3 District  
Acres: 6.69 acres  
SBL: 16-1-79.21 & 80.2

Project Description: This project is a site plan for a new substation that O & R will be building next to the one that was built several years ago.

The following items are listed to assist the applicant in completing your submission to the Planning Board. Please note that this is only a guide, as the plan progresses other items may be listed in future meetings. If you need further assistance please contact this office.

Comments: We have reviewed the site plan and offer the following comments for planning board review.

1. Provide an area map showing:
  - a.) The applicant's entire holdings, that portion of the applicant's property under consideration for development and any adjacent parcels owned by the applicant.
  - b.) All properties, their ownership and uses, subdivisions, streets, zoning districts, easements and adjacent buildings within 300 feet of the applicant's property shall be shown on the site plan.

2. The site development plan shall include the following:
  - a.) Existing natural features such as water bodies, watercourses, wetlands, wooded areas, individual large trees, flood hazard areas.
  - b.) The applicant is proposing to disturb 0.34 acres of Wetlands, the applicant should clarify if the wetlands are regulated by the NYS DEC or the Army Corps of Engineers.
  - c.) Disturbance of buffers of wetlands shall only be allowed where federal wetlands are under the federal wetland disturbance limit, where disturbance is essential to provide access to a lot or where a disturbance permit has been issued by the agency that has jurisdiction. We would ask the applicant to look at other means of access to the new substation,
  - d.) All federal wetlands shall be provided with a minimum buffer of 25 feet within which all site disturbances shall not be permitted except for the clearance of dead trees or man made debris on-site.
  - e.) The firm that delineated the wetlands should be shown on the plan.
  - c.) The name and address of the applicant should be shown on the plan.
  - d.) The property lines should be shown with a thicker width.
  - e.) Existing and proposed contours at intervals of two feet of elevation should be shown on the plan.
  - f.) Provide the speed limit on Sugarloaf Mountain Road along with sight distance for the proposed access drive to the new substation.
  - g.) Label the access drive and provide a profile.
  - h.) Provide details for the access drive.
  - g.) Applicant to discuss with the board a gate at the access drive.
  - h.) Plans should be sent to the Highway Supervisor for his review and comments.
3. Provide a boundary survey of the project site.
4. Provide a grading and erosion control plan, including plans to prevent the pollution of surface water and groundwater by erosion and sedimentation, both during and after construction, including location of control measures. A description of proposed maintenance requirements, practices and schedule as per guidelines set forth in the most recently enacted NYS DEC Erosion and Sediment Control Guidelines for New Development.
5. Provide a lighting plan.

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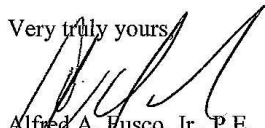
This concludes our review at this time.

Action:

1. Pleasure of the Board.

Please advise if you have any questions.

Very truly yours,



Alfred A. Fusco, Jr., P.E.  
Fusco Engineering & Land Surveying, P.C  
AAF/cam

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Al Fusco reviewed his letter.

Chairman Serotta stated he received an e-mail from the highway superintendent requesting a \$5000 bond due to the volume of heavy equipment moving in and out of the site. The road needs to be kept clean of rock and debris. Erik Denega said the highway superintendent is referring to the project going on right now. Erik Denega said he will get in touch with the construction managers and they can address the cleanliness of the street immediately, but the bond will have to be discussed internally before we respond.

Chairman Serotta polled the Board for questions and concerns.

Frank Gilbert asked about the location of the line tying into Rock Tavern. John Coffey said there is an existing substation there. The line that is there now runs from Ramapo to Rock Tavern and this will be a second line that goes from the same start to the same finish.

Bob Conklin said the road to the substation is presently dirt and asked what type of surface will the road end up being. Jim Shannon said that has not been finalized yet. Erik Denega said currently it is on the plan as item 4, but there are going to be further discussions on what to pave the road. Bob Conklin asked if there will be a travel route between the existing substation and the new proposed substation. John Coffey said no.

Carl D'Antonio said he needs clarity on the Electro Magnetic Field (EMF) information in response number 4 concerning the EMF. Sa'e Abusi, environmental specialist for Orange and Rockland, explained that we have done both magnetic and electric field studies throughout Chester and found only one area that had a slight hotspot near the Blooming Grove border. Erik Denega said what they are saying it basically the EMF meets the regulation once you are physically four feet away. So there is only a small 4-foot section that does not meet the regulation and the public service commission has accepted that.

Steve Denes asked if the location of the substation is at your discretion or is there some factor that you are looking at in a number of feet from the existing substation. John Coffey said we analyze the site and try to find the best location. We attempted to extend the existing yard, but between the wetlands and the terrain, it was not feasible. We were trying to make this the least evasive to the municipality. After unsuccessfully attempting to extend the existing yard, we tried to hug the right-of-way since the right-of-way already had electrical facilities and so that new location was really deemed best.

Barry Sloan said to Erik Denega you sat on the Planning Board in 2009 when we granted approval to the existing substation. I feel the community was blindsided by the clear cutting that went on and the Town Board was inundated with complaints. It looked like a tsunami; all the trees were taken down. I want to know what is being clear cut for this project and what needs to be taken down and what is going to be done to reclaim the area. You are going to have a public

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hearing in a month and the public is going to remember what happened in 2009 and you are going to have a lot of negative publicity and a lot of angry people that are going to bring up what happened in 2009. John Coffey said a lot of the backlash was clearing involved with our transmission line maintenance which was right around the corner from the project. There was some poor communications. The PSC has required a new clearing profile and so when trees are cleared on a right-of-way now, it is more aggressive. I would like to think that while there is certainly commentary from neighbors and issues concerning this project, most of the landscaping plan and most of the clearing was pretty much followed per the original plan. The transmission line clearing that was right up the right-of-way was as you say like a tsunami, there was some poor communication and poor vegetation management practices but that was unrelated to that project. A good deal of the new substation is pretty opened now because we are using a lot of the area on the right-of-way. You are correct that there was an issue at the same time again quasi unrelated. We can certainly make sure that any of the clearing is clearly detailed so that the Board can review it and be comfortable with it. Chairman Serotta stated the tower Barry Sloan is referring to was approved by the Board. In 2009, there were two issues; one was the clear cutting of the transmission lines and the building of the new substation. Karen Arent, our landscape architect, walked the property and Orange and Rockland did everything they were told to do. If you are putting a pad that is 200 x 200 in you are going to have to clear cut a lot of trees. We can talk to them about landscaping and buffering and have Karen Arent walk the property and take a look. Barry Sloan said Orange and Rockland needs to present a plan because when the neighbors hear another substation is coming in, they are going to remember, so you better have a plan.

Frank Gilbert asked what will be the make-up of the site under the transmission line. Jim Shannon said the base will be concrete and it will have a fence around the perimeter. Frank Gilbert asked for the dimensions. John Coffey said it will be approximately 266' x 190'.

Bob Conklin asked if the area of the marginal EMF are going to be denoted on the plans for our future reference. Right now you say it is wooded but in the future we may be looking at site plans which may encompass parts of those. Chairman Serotta said Bob has a good point. Jim Shannon said it will be denoted on the plan. Bob Conklin said it will help with questions in the future because if it is going to be in someone's backyard I would want to know what the information is.

Chairman Serotta scheduled Orange and Rockland to appear before the Board for a public informational hearing on June 18<sup>th</sup>, 2014 at 7:00 p.m.

**OHEL TORAH SITE PLAN** – Jim Ramus, engineer for the applicant, appeared before the Board with a request for site plan approval for a school of special instruction located at 158 Greycourt Road. He explained there was a septic issue that has since been taken care of and approval was received by the health department. There were some concerns for the site plan approval such as landscaping and parking. He stated that the applicant has added some street trees; we also added a buffer because people were not happy with the front of the building. We

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added lawn to any of the disturbed areas where the septic was fixed. We also added a stockade fence to delineate around the existing paved area.

Chairman Serotta asked what type of school is it. Jim Ramus said the school has 80 students. There are 6 adults, 3 of which are teachers, 1 principal, 1 aide and a maintenance worker. There will be 2 buses dropping the students off at 7:00 a.m. and picking them up at 5:00 p.m. They will have food delivered to the building serving breakfast and lunch. The food delivery will be at 10:00 a.m. The type of school is for special instruction.

Chairman Serotta said there is another building on the premises which is rented to a plumbing contractor, what will happen to that? Jim Ramus said it still is being rented.

Al Fusco stated we reviewed the septic system with the building department and we found it to be acceptable and a septic replacement permit was issued. We do have copies of the Orange County Health Department approval. I had asked if there was an updated map because in my first review I did not have the landscaping or parking and Jim Ramus provided me with an updated map yesterday. I did a review of it today.

Al Fusco submitted the following letter:

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- 233 East Main Street  
Middletown, NY 10940  
Phone: (845) 344-5863  
Fax: (845) 956-5865
- 19 Waywayup Lane  
Port Jervis, NY 12771  
Phone: (845) 956-5866

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May 21, 2014

Don Serotta, Chairman  
Town of Chester Planning Board  
1786 Kings Highway  
Chester, NY, 10918

Re: Ohel Torah  
Old Oxford Road

Dear Mr. Serotta and Planning Board Members,

We have reviewed the file offer the following:

Project: Ohel Torah  
Zone: OP - District  
Acres: 1.45 acres  
SBL: Section 3, Block 1, Lot 4

**Project Description:** This project is a site plan for a private school located on Old Oxford Road. The proposed school will have eighty (80) students and six (6) teachers.

The following items are listed to assist the applicant in completing your submission to the Planning Board. Please note that this is only a guide, as the plan progresses other items may be listed in future meetings. If you need further assistance please contact this office.

Comments: We have reviewed the site plan and offer the following comments for planning board review.

1. Provide on the site plan or location map showing:
  - a.) The applicant's entire holdings, that portion of the applicant's property under consideration for development and any adjacent parcels owned by the applicant.
  - b.) All properties, their ownership and uses, subdivisions, streets, zoning districts, easements and adjacent buildings within 300 feet of the applicant's property.
2. The site development plan shall include the following:



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a.) Safe and adequate internal vehicle site circulation patterns shall be provided for cars and or buses if applicable. If a drop-off area is provided near a building, one-way traffic patterns must be provided for the drop-off area, one-way traffic patterns must be provided for the drop-off area. Internal circulation patterns in the parking lot and around the building shall minimize pedestrian/vehicular conflict.

b.) Outdoor play areas and/or fields for various sports shall be provided to meet the needs of the student body, with play areas to be located on slopes of less than 5%. Said play areas shall be located so as to avoid a nuisance to adjoining property owners, and shall incorporate physical separation, screening and other measures for this purpose.

c.) Provide on the site plan the speed limit of Greycourt Road.

d.) Plans need be sent to the Highway Supervisor for his review and comments.

e.) Plans need to be sent to the Fire District for review and comment.

f.) The applicant should discuss with the board security issues, police protection, etc. Will the entrance to the building have a monitor that monitors access to the building.

g.) Label the uses of each building, if the building to the rear is still used by a plumber for storage then this should be discussed with the board and/or on if this needs a waiver/interpretation by the Zoning Board of Appeals.

g.) Provide a landscape plan.

h.) Provide information on food service.

i.) Provide information pertaining to educational department registration.

This concludes our review at this time.

Action:

1. Pleasure of the Board.

Please advise if you have any questions.

Very truly yours,

Allred A. Fusco, Jr., P.E.  
Fusco Engineering & Land Surveying, P.C.

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Dave Donovan said you stated before that this is a school of special instruction which an allowed use in the OP zone. It would be helpful to the Board if we had a written narrative explaining exactly what goes on in the school and why it qualifies as a school of special instruction. Dave Donovan asked if there was ever a site plan for a different use at one time. Chairman Serotta stated he was not aware of one. Dave Donovan asked how large the buildings are. Jim Ramus said it is noted on the plans. Al Fusco said approximately 6000 square feet. Dave Donovan said the reason I asked is because we need to know about SEQR. If you are less than 4000 square feet you are a type 2 action. You are over that so you are an unlisted action. Are there any other involved agencies that I have to circulate a notice of intent? Al Fusco said the only one would have been Orange County Health Department. Chairman Serotta said this is a municipal 239 referral to the county because he is within 500 feet of the Heritage Trail. Dave Donovan said for SEQR purposes we ought to declare our intent to be Lead Agency, identify who the other involved agencies are then do a notice. Chairman Serotta said this will need a public hearing.

Chairman Serotta said there appears to be a lot of garbage dumped along the Heritage Trail along the property of Ohel Torah which needs to be addressed.

Barry Sloan said you are not showing any elevation drawings on either building. This is a school, are there adequate windows, doors and emergency exits. How are you going to separate the flow of traffic from the plumbing warehouse and the school? That has to be addressed on the plan and you also have to have an area for recreation. Jim Ramus said they will be able to utilize the area in the back once the grass is in. Barry Sloan asked if the applicant has a multiple use application for the school and warehouse to be on the property. Jim Ramus said we are here tonight to see if it is allowed. Barry Sloan asked if there is parking for the plumbing warehouse and proper lighting.

Dave Donovan read from the code what uses were allowed in the OP zone and a warehouse of any type was not listed. Jim Ramus said it was suggested to turn the building into a storage area for the school.

A discussion began concerning the safety of the buses coming in and out of the school property. Chairman Serotta asked which way the school buses would come in. Jim Ramus said in Al Fusco's comments, he was looking for a flow pattern of traffic. He asked if signs would be sufficient or one-way-in and on-way-out. Frank Gilbert said you have to eliminate the driveway to the back building and cut that corner out. Jim Ramus said we want to keep the driveway in because in the back area is where we located the dumpster. Steve Denes said there is also no turn-around up against the warehouse building. Frank Gilbert asked how the garbage trucks turn around back there. Jim Ramus said we could add a turn-around.

Chairman Serotta asked if the Board wanted to set a public hearing date. Barry Sloan said the applicant has to come back to us and show the elevation and remedy all the other issues. Frank Gilbert said he feels we need an approved plan. Frank Gilbert asked if the fire department has looked at this. Chairman Serotta said the fire department does not look at this. It is the building

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inspector who has to look at this. He is the the official fire inspector. Dave Donovan said under the New York State building code, he has jurisdiction. Al Fusco said I reviewed it with him and it does not fully comply right now. He has to put in certain fire alarms and things of that nature. Chairman Serotta said I would expect the building inspector to write a letter back to us approving the fire inspection.

Chairman Serotta scheduled the applicant for the June 18<sup>th</sup>, 2014 meeting at 7:45 PM.

**SCARLET'S WAY SITE PLAN** – Jim Dillin, surveyor for the applicant, and Steve Brander, architect for the applicant, appeared before the Board to introduce a proposal to demolish a building on King's Highway in Sugar Loaf and build a new one on the same site. Steve Brander read the narrative submitted. Jim Dillin stated the property is located across from the Barnsider Restaurant. Jim Dillin said the new building will be a residence upstairs, owner occupied, and retail downstairs. Dave Donovan said this is allowed in the LBSL district.

Jim Dillin stated the new building will be 28'x 44'. We are in the process of getting a connection to the sewer which is across the street. Dave Donovan asked if the applicant meets all the bulk requirements. Jim Dillin said as far as I know we do meet everything. Al Fusco said you should check the bulk requirements because it is without water.

Jim Dillin said as far as the parking, I did a parking formula that would meet the code. The second floors residence having two spaces when it is owner occupied could be eliminated because it really is the same people using the parking lot. The owners are going to run the retail space. Dave Donovan said under the code do you think you need thirteen? Jim Dillin said yes I think I do. Dave Donovan said we have allowed shadow parking in the past, where you show it on the plan but it is not built and then if a determination is made by the building inspector down the road, the parking will be added then. It is called shadow or bank parking. Jim Dillin said this property has 140' of road frontage and that creates 5 or 6 spaces. I know you can't count them.

Chairman Serotta said another alternative to parking is to make a deal with the parking lot next to your property to lease parking space from them. Dave Donovan said it may be easier to just bank the parking. If you show the 13 spaces but you build what you propose on the sheet that you handed out tonight and you show a reserve spot, if it is not needed within a year then you don't have to do it. You would have to show the extras 6 spaces, you would not build them but you would just show them.

Barry Sloan asked about a handicapped ramp. Jim Dillin said we have a couple of options. We are going to have handicapped access in the front of the building.

Steve Brander gave a presentation to the Board of the design of the building. He said it is similar to the building that exists. We are trying to do something that is historical in shape and mass and proportion. The porch is at grade level; it is 6 inches above and aligns in a better way with the existing sidewalk.

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Barry Sloan asked what material are you going to use for the proposed sidewalk and how does it line-up with the Sugar Loaf Vision Committee. How are your sidewalks going to be in line with everyone else's? Jim Dillin said this plan intends to marry into Nick Zangoli's sidewalks. There is just a stone walk-way right now; there is no real sidewalk there anyway.

Steve Denes suggested that on the site plan there be some consideration for the tenant showing some access to the herb shop so it doesn't just show a building there by itself. Jim Dillin said there is a stone walkway which I can show which goes right to the back and that is how most people go.

Frank Gilbert asked Jim Dillin if he took into consideration the employees of the herb shop when the parking was designed. Jim Dillin said yes I did, I put that in the formula. Frank Gilbert said the people that visit the herb shop would be parking in the back parking lot. Jim Dillin said they would be entitled to use it, but as it is now they can see the display and they park as close as they can. I have never seen anyone parking in the back.

Bob Conklin asked if the applicant is proposing one shop or two. Jim Dillin said just one shop in the new building with a tenant living upstairs.

Steve Denes asked if there is a separate entrance for the residency versus the shop. Steve Brander said there is a private entrance for the second level. Double doors in the front are the entrance for the retail space. To the rear there is a deck and that deck is the second means of egress from the first floor for patrons to exit to the parking lot and also for the residence to exit down to the parking lot. There is an exterior stairway from the second floor in the back of the building.

Frank Gilbert said he would like to see them do as we spoke with Cancun Inn and barter some other parking down the road and come in with an agreement with whomever they could make that with.

Chairman Serotta said this application requires architectural review approval and that will be part of the site plan process. You need to show colors and samples of siding, samples of any signs. This project also must be submitted to both County DPW and Planning under municipal 239.

Steve Denes said it looks like you have a third level on the building, is that going to be occupied. Steve Brander said no, that's an attic. Steve Denes asked if it is designated as living space. Steve Brander said no, it is not living space; it might be used for storage.

Jim Dillin said he will contact the chairman when he wishes to appear before the Board again.

A motion was made by Barry Sloan and seconded by Carl D'Antonio to adjourn the meeting. The motion passed with 6-0 vote.

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The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Roxanne Serotta  
Planning Board Secretary